

1 STEVEN J. EYRE, CB# 119714  
2 3550 WILSHIRE BOULEVARD, SUITE 1440  
3 LOS ANGELES, CALIFORNIA 90010  
4 (213) 385-6926  
5 Fax (213) 385-3313  
stevenjeyre@gmail.com

6 Attorney for Plaintiff

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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
11 321 North Spring Street, Los Angeles, CA 90012

12  
13 JOSE QUIROZ,

14 Plaintiff,

15 -VS.-

16  
17 VICTOR ALVAREZ, et al.,

18 Defendants.

19  
**No. CV 11-04722 DSF (Ex)**

20  
**JUDGMENT AND PERMANENT  
INJUNCTION**

21  
**Hon. Dale S. Fischer**

22 Plaintiff Jose Quiroz filed this action for federal trademark infringement and  
23 unfair competition under 15 U.S.C. § 1125(a)(1)(A), for dilution under 15 U.S.C. §  
24 1125(c), for commercial disparagement under 15 U.S.C. § 1125(a)(1)(B), for state  
25 law trade name infringement and dilution under California Business & Professions  
26 Code §§ 14330 et seq. and §§ 14402 et seq., and for common law interference with  
27 prospective business advantage, accounting and injunctive relief. The parties to this  
28 action have stipulated to settlement of this action without adjudication of any issue  
of fact or law.

1 THEREFORE, based upon the stipulation of the parties, it is hereby  
2 ORDERED, ADJUDGED AND DECREED as follows:

3 **FINDINGS**

4 1. This Court has jurisdiction over the claims brought by plaintiff under  
5 28 U.S.C. §§ 1331 and 1138(a), and under 15 U.S.C. § 1125(a)(1)(A), 15 U.S.C. §  
6 1125(a)(1)(B) and 15 U.S.C. § 1125(c), as well as over plaintiff's supplemental  
7 state law claims, as provided under 28 U.S.C. § 1367. This Court has jurisdiction  
8 over the parties.

9 2. Venue in the Central District of California, United States District  
10 Court ("this federal district"), is proper as to all parties.

11 3. Plaintiff Jose Quiroz, as the licensee and representative of Salvador  
12 Lizarraga, has standing to assert the claims for relief set forth in the Complaint  
13 herein.

14 4. The Complaint herein states claims against defendant Victor Alvarez  
15 upon which relief can be granted.

16 5. Defendant Victor Alvarez has withdrawn all of his affirmative  
17 defenses to the First Amended Complaint with prejudice.

18 6. Defendant Victor Alvarez has entered into a Stipulation for Entry of  
19 Judgment and Permanent Injunction (hereafter "Stipulation") freely and without  
20 coercion.

21 7. Defendant Victor Alvarez acknowledges that he has read the  
22 provisions of the Stipulation as well as this Judgment and Permanent Injunction  
23 (hereafter "Judgment") and will abide by them.

24 8. Plaintiff and Defendant have waived all rights to appeal or otherwise  
25 challenge or contest the validity of this Judgment.

26 **ORDER**

27 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

28 1. This Court has jurisdiction over the subject matter of this action and

1 the parties hereto.

2       2. Judgment is hereby entered in favor plaintiff Jose Quiroz and against  
3 defendant Victor Alvarez on all causes of action of the Complaint.

4       3. Defendant Victor Alvarez, his officers, agents, servants and employees,  
5 and those persons in active concert or participation with him who receive actual  
6 notice of this Order by personal service or otherwise are hereby PERMANENTLY  
7 ENJOINED AND RESTRAINED from engaging in or performing any of the  
8 following acts:

9           a. Using the mark “Banda Limón,” “Banda El Limón,” the related marks  
10 “La Original Banda El Limón”, “La Original Banda El Limón de Salvador  
11 Lizárraga,” or any name or identification which contains the word “Limón,” as  
12 well as, and including, the letters “BL,” in connection with advertising or  
13 promoting of musical services or products of defendant or defendant’s musical  
14 group, or any person in active concert or participation with defendant;

15           b. Using the mark “Banda Limón,” “Banda El Limón,” the related marks  
16 “La Original Banda El Limón”, “La Original Banda El Limón de Salvador  
17 Lizárraga,” or any name or identification which contains the word “Limón,” as  
18 well as, and including, the letters “BL,” in any manner for the purpose of  
19 enhancing the commercial value of the musical services or products of defendant  
20 or defendant’s musical group, or any person in active concert or participation with  
21 defendant;

22           c. Contacting promoters, advertisers or other business for the purposes of  
23 offering the musical services or products of defendant, or any person in active  
24 concert or participation with defendant, in connection with the mark “Banda  
25 Limón,” “Banda El Limón,” the related marks “La Original Banda El Limón”, “La  
26 Original Banda El Limón de Salvador Lizárraga,” or any name or identification  
27 which contains the word “Limón,” as well as, and including the letters “BL.”

28           d. Utilizing the color green on advertising or promotion of the musical

1 services or products of defendant or defendant's musical group, or on the uniforms  
2 or other clothing or jewelry worn by the members of defendant's musical group in  
3 connection with the musical services and products of defendant and defendant's  
4 musical group.

5       4. This Court shall have continuing jurisdiction over the Stipulation and the  
6 Judgment of Permanent Injunction and over the parties to enforce the terms of the  
7 same and to hear motions and applications for contempt or any other related  
8 matter.

9       5. The parties shall be entitled to conduct post-judgment discovery for the  
10 purpose of determining compliance and enforcing the terms of this Judgment and  
11 Permanent Injunction.

12      6. Defendant Victor Alvarez is notified that as he has consented to  
13 electronic service in this action, pursuant to Rule 5 of the Federal Rules of Civil  
14 Procedure and Local Rule L.R.5-3.3 of this Court, service of the Judgment on him  
15 by email NEF (Notice of Electronic Filing) shall constitute service under the  
16 Federal Rules of Civil Procedure, as well as similar service by email of any notice,  
17 motion, discovery or other post-judgment proceeding herein.

18  
19 IT IS SO ORDERED.

20 DATE: 12/27/2012



21 HON. DALE S. FISCHER  
22 United States District Judge